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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,261	03/21/2001	Norbert Marocco	625.0006USQ	5581

7590

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,261

Applicant(s)

MAROCCO, NORBERT

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-11 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10 and 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 9 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that claims 8, 10, and 11 are still presently withdrawn from prosecution, however, in the current amendment to the claims, claims 8, 10, and 11, are incorrectly labeled as (Previously presented). In the next response, claims 8, 10, and 11 should be labeled as (Withdrawn).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pluber (5,816,126) in view of Reis et al. (3,451,297).

In regards to claim 2, Pluber discloses the invention including a headrail holding plate (48) having a headrail opening for receiving the headrail therethrough (26), a cutting die for the headrail (22 and 50) being slidably movable relative to the holding plate only in a first direction for cutting one end of the headrail (Figs. 5B and 5C), a blind holder (48) having a blind material opening for receiving the vertical blind materials (28), a blind cutting device (22 and 52) moveable relative to the blind holder for cutting the vertical blind material extending through the blind holder (Figs. 5A and 5B), and a movement transmission device for moving the cutting die and for moving the blind cutting device whereby both the vertical blind material and the headrail are cut (55).

In regards to claim 3, Pluber discloses the blind cutting device is slidable along a linear cutting path relative to the holder plate and in the same plane as the cutting die (22 and 52), and the cutting device is spaced from the cutting die by a distance at least equal to the linear cutting path of the blind cutting device (Fig. 2).

In regards to claim 16, Pluber discloses the headrail holding plate is stationary (48).

However, Pluber fails to disclose the cutting die is adapted to receive the headrail, the headrail opening in the holding plate is titled at an angle, the cutting die defines a cutting opening which is similarly diagonal, and the cutting die being slidably movable relative to the holding plate so that the headrail is cut along a linear diagonal direction.

Reis et al. teaches cutting die is adapted to receive the headrail (11), the headrail opening in the holding plate is titled at an angle (Fig. 2), the cutting die defines a cutting opening which is similarly diagonal (Fig. 2), and the cutting die being slidably movable relative to the holding plate so that the headrail is cut along a linear diagonal direction (Fig. 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention to have provided Pluber the cutting die and holding plate with tilted openings, as taught by Reis et al., to allow for a more efficient cutting means.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pluber in view of Reis et al. as applied to claim 2 above, and further in view of Marocco (5,806,394). Pluber and Reis et al. disclose the invention including a rotary shaft (55 in Pluber), and a movement transmission link connecting between the rotary shaft and the

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blind cutting device for moving the cutting device simultaneously with the cutting die (22 in Pluber).

However, Pluber and Reis et al. fail to disclose a rotary shaft mounted in the holding plate, a cam mounted on the rotary shaft for moving the cutting die to sever the head rail, and the cam is disposed in an opening formed in the cutting die.

Marocco teaches a rotary shaft mounted in the holding plate (54), a cam mounted on the rotary shaft for moving the cutting die to sever the head rail (50), and the cam is disposed in an opening formed in the cutting die (Fig. 6). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention to have provided Pluber in view of Reis et al. the rotary shaft/cam apparatus, as taught by Marocco, to provide an alternate old and well known method of moving the cutters.

Allowable Subject Matter

4. Claims 7 and 9 are allowed. Claims 8, 10, and 11 will be rejoined at issuance.

Response to Arguments

5. Applicant's arguments, with respect to claims 2 and 3, filed 16 November 2005 have been fully considered but they are not persuasive. In the Pluber reference the cutting die (22 and 50) are clearly slidably movable relative to headrail (48). However, the cutting die, of Pluber, is not slidably movable relative to the holding plate so that the headrail is cut along a linear diagonal direction. The cutting die, of Pluber, is only movable in one direction for cutting. Reis et al. clearly teaches to Pluber that it is old and well known in the art of shearing to cut the work piece on a diagonal only.

6. Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

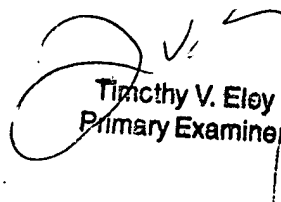
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JP
January 20, 2006


Timothy V. Eley
Primary Examiner